

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

JEANNE K. ENDO,)	CIVIL NO. 03-00563 LEK
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM IN SUPPORT
)	
UNITED PUBLIC WORKERS, AFSCME)	
LOCAL 646, AFL-CIO,)	
)	
Defendant.)	
)	
vs.)	
)	
GARY W. RODRIGUES,)	
)	
Third-Party)	
Defendant)	
_____)	

MEMORANDUM IN SUPPORT

In the instant action, Plaintiff alleges that since she started working for Defendant United Public Workers , AFSCME Local 646, AFL-CIO (hereinafter "UPW") in or about late 1994 until on or about June 14, 2001, UPW's State Director, Third-Party Defendant Gary W. Rodrigues, subjected her to a sexually hostile work environment, and that he later retaliated against her for refusing to continue a sexual relationship with him.

On October 6, 2003 Rodrigues was convicted in U.S. v. Rodrigues, Cr. No. 01-00078 of certain federal crimes which are entirely unrelated to any material issue connected to the manner in which Plaintiff was treated in the course of her employment with the UPW. Based solely on his conviction, Rodrigues was suspended from his position as State Director of UPW on November

21, 2002 after which Rodrigues permanently resigned from his position on November 22, 2002. Because Rodrigues' suspension and/or removal from his job with UPW is entirely unrelated to any material issue connected to the manner in which Plaintiff was treated in the course of her employment with the UPW such evidence is irrelevant and inadmissible pursuant to Rule 402, FRE.

Such evidence also would clearly constitute prohibited character evidence and is inadmissible pursuant to Rule 404(b), FRE.

Based on the foregoing, Third-Party Defendant Rodrigues respectfully requests that this Court issue an order barring the parties from introducing and/or otherwise eliciting any evidence at trial of Rodrigues' suspension and/or removal from his job with UPW.

DATED: Honolulu, Hawaii, April 22, 2008.

/s/ Eric A. Seitz
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Defendant Gary W. Rodrigues